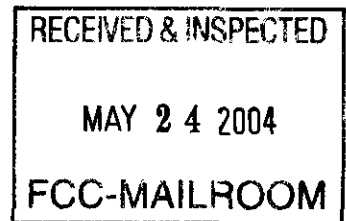


Tuesday, May 18, 2004

Federal Communications Commission
Office of the Secretary
445 – 12th Street, SW
Washington, DC 20554



Re: **CC Docket No. 02-6**
Request for Review

Billed Entity Number: 125430
471 Application Number: 368645
Funding Request Numbers 1006420, 1007051, 1007504, 1007788,
1013294, 1013320, 1013462, 1013815,
1013873, 1014327

Dear Secretary,

The Ferndale Area School District is requesting FCC review of the above referenced Funding Requests by SLD/USAC. It is our contention that the denial is based on failure by SLD to adequately maintain records of materials received, and loss of said materials either accidentally or negligently.

When we first contacted SLD via telephone regarding this matter, the SLD employee stated to John Kowal (FASD Business Manager) that our application had never been received. After providing SLD with FedEx acknowledgement and proof of delivery, SLD then acknowledged that the package had been received within the window. At this point SLD changed its story and then claimed that the signature page was not included

At the time the documentation package was shipped to SLD, the presence of all required pages (including the "missing" Form 471 Block 6 Certifications and Signature page) in the shipping package was verified by the following persons:

- 1) Dr William Grove, Superintendent, Ferndale Area School District
- 2) John P Kowal, Business Manager, Ferndale Area School District
- 3) Lawrence R. Treat, Technology Coordinator, Ferndale Area School District
- 4) Patricia A Craig, Administrative Secretary, Ferndale Area School District

Our personnel realized the importance of following the requirements laid down by the SLD, that is the reason that we collectively and individually verified the contents of the package before shipment. For the SLD to claim that a required page was missing is ridiculous, and we contend that if the page was lost, it was lost after receipt by SLD, and their denial of the funding request is an attempt to conceal their failure, whether it is accidental or deliberate on their part

In the SLD denial of appeal letter dated April 16, 2004, SLD refers to an FCC decision dated April 23, 2002 stating, "It is well established law that the absence of an official

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record of an event is evidence of the non-occurrence of the event.” It is the contention of the Ferndale Area School District that absence of the official record was due to failure by SLD to properly handle the package after delivery and outside of the Districts’ control. The District should not be punished for a failure by SLD to properly prepare or maintain official records. It should be noted that SLD stated to the District that all received paperwork had been destroyed and no longer exists, conveniently eliminating the actual physical paperwork that would disprove the SLD contention that it was not sent.

We believe that there is basis for further examination of our application, and we request that the FCC reverse the SLD denial of funding. The District has retained copies of the original package contents for FCC review and will be happy to send them in support of this appeal.

Sincerely,

A handwritten signature in black ink, appearing to read "Lawrence R. Treat", followed by a long horizontal flourish line.

Lawrence R. Treat
Ferndale Area School District
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Johnstown, PA 15905
(814) 535-1507
Ltreat@fasdk12.org